

ATTACHMENT 2

CONDITIONS OF APPROVAL – EXHIBIT B DRC2012-00041

Approved Development

1. This approval authorizes a Minor Use Permit/ Coastal Development Permit to allow the following:
 - a. Construction of a three (3) unit hotel of 5,670 square feet. Square footage of each unit will be:
 - Unit 1: 550 square feet
 - Unit 2: 1,500 square feet
 - Unit 3: 2,520 square feet
 - b. 5,980 square feet of site disturbance across two (2) parcels totaling 5,980 square feet.
2. The maximum height of the structure is 26 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

3. **At the time of application for construction permits**, the applicant shall submit a color and materials board for the proposed facility. Colors shall contribute to the Oceano community identity; materials with integral color such as hard smooth troweled plaster, brick, tile and stone are encouraged.
4. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans.
5. **At the time of application for construction permits**, the applicant shall provide details of any proposed exterior lighting, if applicable. The details shall include the type, height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties.

Access

6. **At the time of application for construction permits**, public improvement plans shall be prepared in compliance with Section 23.05.106 (Curbs, Gutters and Sidewalks) of the Land Use Ordinance and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:
 - a. Street plan and profile for **Strand Way (alley) and the east-west alley** to complete the project side of a modified A-2 urban street section.
 - b. Street plan and profile for the east-west alley to complete a modified A-2 urban street section (with 20 feet minimum width).
 - c. Drainage ditches, culverts, and other structures (if drainage plans require).
 - d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.

7. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the County for the cost of checking the improvement plans and the cost of inspection of any such improvements by the County or its designated representative. The applicant shall also provide the County with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Grading, Drainage, Sedimentation and Erosion Control

8. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plans for review and approval.
9. **At the time of application for construction permits**, the applicant shall submit complete drainage calculations prepared by a licensed civil engineer for review and approval in accordance with Section 23.05.040 (Drainage) of the Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works.

Stormwater Pollution Prevention

10. **At the time of application for construction permits**, the applicant shall demonstrate the project has incorporated County approved LID structural practices into the project. Refer to the brochure, *Interim Low Impact Development Guidelines*, for further information and references for LID design.

Site Development

11. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
12. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

13. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Services

14. **At the time of application for construction permits**, the applicant shall provide a letter from the Oceano Community Services District stating they are willing and able to service the property.

Biological Resources

15. **At the time of application for construction permits**, the applicant shall submit a coastal dune habitat restoration plan that includes sand stabilization techniques and a diverse palette of native plants including: Blochman's leafy daisy in the undeveloped portion of

Strand Way adjacent to the site. The coastal dune habitat restoration plan would at a minimum include the following components:

- a. The overall goal and measurable objectives of the restoration and monitoring plan;
 - b. Specific area(s) proposed for restoration and their size;
 - c. Specific habitat management and protection concepts to be used to ensure long-term maintenance and protection of the restored dune scrub habitat; fencing or signage may be required to identify the habitat restoration area; a seasonally-timed weed abatement program; and seasonally-timed seed application/container plant installation of native species into the specified receiver site(s);
 - d. Success criteria based on the goals and measurable objectives to ensure a self-sustaining plant community in perpetuity;
 - e. An education program to inform the visitors and the public of the presence of special-status plant species and environmentally sensitive habitat areas in the vicinity, and to provide methods that residents and visitors can employ to reduce impacts to these species/resources in protected open space areas;
 - f. Reporting requirements to ensure consistent data collection and reporting methods used by monitoring personnel; and
 - g. Funding mechanism.
16. **At the time of application for construction permits**, the applicant shall submit a final landscaping plan for the project utilizing non-invasive drought tolerant species that would further enhance and restore native habitat. The final plan shall be reviewed by a qualified botanist/biologist prior to implementation to ensure that landscaping does not introduce invasive, non-native plant species to the site. All invasive plant species shall be removed from the landscaping plan and replaced with appropriate, non-invasive drought tolerant species. Further, new residents shall be educated to the importance of not using invasive horticultural species that may become naturalized in open space areas in the region. For appropriate plant material, refer to the following sources:
 - a. The California Invasive Plant Council website at www.cal-ipc.org;
 - b. County of San Luis Obispo's approved landscape plant list at <http://www.slocounty.ca.gov/Assets/PL/environmental/Local+Landscape+Plants.pdf>
17. **At the time of application for construction permits**, a sediment and erosion control plan shall be submitted that specifically seeks to protect native habitat adjacent to the construction site. Erosion control measures shall be implemented to prevent runoff from the site. The plan shall specify locations and types of erosion and sediment control structures and materials that would be used on-site during construction activities. Biotechnical approaches using native vegetation such as straw plugging and crimping shall be used to stabilize sand. The plan shall also describe how any and all pollutants originating from construction equipment would be collected and disposed.
18. **At the time of application for construction permits**, the applicant shall submit plans identifying the height, type, location and intensity of all exterior lighting. Exterior lighting shall be limited to that which is necessary to illuminate driveways, pathways, and entrances to structures. All lighting shall be low-level light sources and shall be downward directed and designed so that it does not produce any light or glares off-site. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible offsite.

19. **At the time of application for construction permits**, Low Impact Development (LID) measures shall be identified and included on construction plans. LID principles shall be utilized during the site specific planning for the project to avoid water quality impacts.
20. **At the time of application for construction permits**, up to date Best Management Practices (BMP's) shall be included on construction plans to minimize impacts to habitats and rare species near the site. The plan shall identify and detail the construction methods to be used to avoid impacts to offsite topography and vegetation. The plan shall be reviewed and approved by a qualified biologist.
21. **At the time of application for construction permits**, initial site grading shall be limited to outside the nesting season and focused during the time period between September 1 and February 1 as feasible. If initial site disturbance and grading cannot be conducted during this time period, a pre-construction survey for active bird nests in nearby shrubs shall be conducted by a qualified biologist.
 - a. Surveys shall be conducted within two weeks prior to any construction activities. If no active nests are located, ground disturbing/construction activities may proceed.
 - b. If active nests are located, then all construction work shall be conducted outside a non-disturbance buffer zone to be developed by the qualified biologist based on the species (i.e., 50 feet for common species and upwards of 250 feet for special status species), slope aspect and surrounding vegetation.

Geology and Soils

22. The recommendations within the Soils Engineering Report (GeoSolutions, Inc., March, 2013) shall be implemented at the project. Due to the existing subsurface conditions, a mat slab or post tension type foundation system shall be considered for the proposed three unit structure.
23. **At the time of application for construction permits**, submit a drainage plan which shall include surface drainage controlled to prevent concentrated water-flow on either natural or constructed slopes. Surface drainage gradients shall be planned to prevent ponding and promote drainage of surface water away from the building edges of pavements and sidewalks or natural or man-made slopes. For soil areas a minimum of five (5) percent gradient shall be maintained.
24. **At the time of application for construction permits**, excavation, fill, and construction activities shall be in accordance with appropriate codes and ordinances of the County of San Luis Obispo. In addition, unusual subsurface conditions encountered during grading such as springs or fill material should be brought to the attention of the Engineering Geologist.
25. **At the time of application for construction permits**, gutters shall be installed along all sloped rooflines. Gutter downspouts should not allow concentrated drainage to discharge near the residence foundations but rather should convey the water in solid piping away from the structures and toward drainage facilities.

Noise

26. **At the time of application for construction permits**, the applicant shall demonstrate that the proposed hotel sleeping areas achieve less than 50 dB (for a single airplane noise event) as described in the October 10, 2014 letter by Heidi Gibson. The plans shall at a minimum show the following (or the equivalent):

- a. 2 x 6 wood studs at 16" o.c.
- b. 5/8" gypboard at the interior
- c. 5 1/2" batt insulation
- d. Foil faced foam sheathing
- e. Exterior hardwood siding

Water and Hydrology

- 27. **At the time of application for grading and/or construction permits**, the applicant shall show on construction plans, all driveways that are less than 12% slope shall be constructed using permeable paving materials and shall be designed to drain to vegetated depressions, rain gardens, or open areas to allow for stormwater infiltration.
- 28. **At the time of application for grading and/or construction permits**, the applicant shall show on construction plans, all roof runoff shall be directed to landscaped areas (rain gardens) and / or vegetated drainage swales and shall not be directed to impervious surfaces that have the potential to contain pollutants.
- 29. **At the time of application for grading and/or construction permits**, the applicant shall show on construction plans vegetated drainage swales which shall be constructed along the access driveway and discharge to an approved location in a non-erosive manner.

Conditions to be completed prior to any construction activities

Biological Resources

- 30. **Prior to any construction activities**, the property line shall be demarcated with highly visible construction fencing or staking for the benefit of contractors and equipment operators. Temporary disturbances related to implementing the restoration/enhancement plan such as removing iceplant mats shall be allowed. Restoration of surface contours through grading and seeding native vegetation may be required to reduce the erosion potential and provide temporary cover during construction.
 - a. Post-site grading, permanent structures and other types of disturbance shall be prohibited outside of the approved development area.

Grading, Drainage, Sedimentation and Erosion Control

- 31. **Prior to issuance of construction permits**, if grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
- 32. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the County Public Works Department, which shall conform to the "National Pollutant Discharge Elimination System" storm water management program regulations.

Conditions to be completed prior to commencement of construction/ground disturbing activities

Biological Resources

- 33. **Prior to commencement of construction/ground disturbing activities**, a qualified

biologist shall prepare an educational handout and provide education training to all personnel involved with construction of the project. An information handout geared at future visitors of the motel shall also be prepared. The handout shall be provided to visitors upon check in and shall at a minimum include the following:

- Description of the native dune habitats in the area;
- A list of the special status and common plants and animals (including photographs) known to occur in the vicinity of the site;
- A list of measures that can be easily implemented during their stay to avoid impacts to these resources;
- List of references and websites to provide visitors more information if desired.

Geology and Soils

34. **Prior to construction/ground disturbance**, the Engineering Geologist and Soil Engineer shall review the final grading and drainage plan. In addition, at the time of site development, the Engineering Geologist shall periodically observe grading operations and/or foundation excavations to confirm assumptions of the Site.
35. The applicant shall implement the conclusions and recommendations as described in the Soils Engineering Report (GeoSolutions, Inc., March, 2013).

Conditions to be completed prior to commencement of grading activities

Biological Resources

36. **Prior to commencement of grading activities**, a capture and relocation effort shall be conducted of the Legless Lizard within the limits of grading to avoid and minimize impacts to the species. A qualified biologist shall be onsite during initial grading activities within the northwest and southeast corners of the site during iceplant removal. Legless Lizards that are unearthed during excavation, if in good health, shall be immediately relocated to suitable habitat to the east of the site on State Parks property. If injured, the animals shall be turned over to a CDFW-approved specialist until they are in a condition to be released onto State Parks property to the east. Any dead Legless Lizards shall be deposited to an approved vertebrate museum such as the Santa Barbara Museum of Natural History or the California Academy of Sciences.

Conditions to be completed during project construction

Building Height

37. The maximum height of the project is 20 feet from average natural grade.
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a licensed surveyor prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Biological Resources

38. **During construction/ground disturbing activities**, ashing of concrete, paint, or equipment shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site. Washing of equipment, tools, roads, etc. shall not be allowed in any location where the tainted water could affect the adjacent sensitive biological resources.
39. **During construction/ground disturbing activities**, dust control requirements shall be carefully implemented to avoid water sprayed onto the site for dust abatement covering native vegetation. Dust control is an important component to minimize impacting native vegetation growing adjacent to the site. BMP's for dust abatement shall be a component of the projects construction documents.
40. **During construction and/or ground disturbing activities**, the applicant shall avoid the Blochman's leafy daisy plant to the west and east of the property by implementing construction methods that keep the sand in place during construction of the perimeter wall. The one Blochman's leafy daisy plant may require salvage and relocation to avoid adverse impacts during construction. If salvaged and if feasible, the plant shall be immediately planted on State Parks property to the east near the other occurrence. Seed may also be collected and distributed to open areas near existing plants.

Cultural Resources

41. **During construction and/or ground disturbing activities**, in the event archaeological resources are unearthed or discovered during any construction activities, construction activities shall be temporarily halted or redirected and the County Environmental Coordinator shall be notified. The extent and location of discovered materials will be recorded by a qualified archaeologist and disposition of artifacts will be accomplished in accordance with state and federal law.
42. **During construction and/or ground disturbing activities**, in the event archaeological resources are found to include human remains or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the Environmental Coordinator so proper disposition may be accomplished. If the remains are determined to be Native American, then the County Coroner must notify the Native American Heritage Commission within 24 hours of the discovery.

Conditions to be completed prior to issuance of a construction permit

Fees

43. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
44. **Prior to issuance of a construction permit**, the applicant shall pay the housing impact fee as required by Section 22.12.080.F.1, or may defer fee payment pursuant to Section 22.12.080.J.4. As an alternative the applicant may provide housing units or a land donation, pursuant to Section 22.12.080.F.3.

Drainage

45. **Prior to issuance of a construction permit**, the applicant shall provide evidence satisfactory to the Department of Planning and Building that the Army Corps of

Engineers and the California Department of Fish and Game environmental permits have either been secured or that the regulatory agency has determined that their permit is not required.

Conditions to be completed prior to occupancy or final building inspection / establishment of the use

Access

46. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the road improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
47. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.
48. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before **final building inspection / establishment of the use**. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
49. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
50. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

51. **On-going conditions of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance.
52. **On-going conditions of approval (valid for the life of the project)**: In accordance with 8.68.130 (Article III), non-stormwater discharges into the County storm drain system shall require an encroachment permit as described in Chapter 13.08 of the County Code. Permits shall only be issued when the applicant successfully demonstrates compliance with all requirements of Article III.
53. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work

progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

54. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.